

**Submission
No 207**

INQUIRY INTO FLOODPLAIN HARVESTING

Name: Mr Jeremy Morton

Date Received: 10 August 2021

10th August, 2021

Submission to the SELECT COMMITTEE ON FLOODPLAIN HARVESTING.

I am an irrigation farmer in the NSW Murray Valley that holds NSW Murray General Security and NSW Murray Unregulated Water Licences.

(a) the legality of floodplain harvesting practices,

I am not a lawyer and not qualified to determine the current legality of floodplain harvesting (FPH) practices and I note that there is conflicting legal opinion in this regard.

I would note that FPH has long been recognised as a legitimate form of water use recognised in the Water Act 1912 and the Water Management Act 2000 (WMA 2000) with transitional requirements in the later. It is also recognised as a form of diversion in Joint Government agreements on water management such as the Murray Darling Basin Ministerial Council Cap on Diversions and the Murray Darling Basin Plan.

The current uncertainty appears to directly relate to the WMA 2000 transitional arrangements and the failure of successive Governments to implement that transition in the period stipulated.

I would also note that the current NSW Parliament has repeatedly blocked regulations to allow for the transition to continue and avoid concerns about the legality of FPH. It would appear prudent for the NSW Parliament to allow regulations to provide certainty while the transition is completed.

I would also note that DPIE includes FPH in its assessment of each valleys compliance with the LTAAEL.

(b) the water regulations published on 30 April 2021

The regulations published on the 30 April 2021 were to allow for the completion of the transition process for FPH to be fully regulated by the WMA 2000.

(c) how floodplain harvesting can be licensed, regulated, metered and monitored so that it is sustainable and meets the objectives of the Water Management Act 2000 and the Murray Darling Basin Plan and,

The process for this has been underway for well over a decade and it is extremely frustrating for all involved that it has taken so long. The sooner the process can be completed the sooner this can be achieved. Progress has gathered momentum and completion may be possible inside twelve months if regulations to allow completion are in place. This must be a priority for Parliament.

NSW has obligations under the WMA 2000 and Basin Plan regarding water management and recent changes such as first flush provisions strengthen NSW commitment to upholding those obligations and bringing all water take, including FPH, fully under the WMA 2000 is another step in this regard.

(d) any other related matter.

The NSW Government FPH Policy has focused on FPH in the Northern NSW Valleys where the greatest proportion of FPH occurs and while the WMA 2000 applies to the whole of NSW there has been no process for licencing of FPH in the Southern NSW Valleys. There must be a process to ensure that FPH that occurs the Southern Valleys is also regulated to ensure water users are compliant with the WMA 2000 and Basin Plan obligations.

Regards,

Jeremy Morton